

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7005 3110 0000 5966 6296

Anthony Lawson, PMP
Engineering Project Manager
API Industries, Inc.
dba Aluf Plastics
2 Glenshaw Street
Orangeburg, New York 10962

Re: **RCRA § 3007 Information Request**
Aluf Plastics, Inc. - EPA I.D. No. NYD 886 941 102

Dear Mr. Lawson:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Attachment I to this letter using the instructions and definitions included in Attachment II. This information is necessary to determine the compliance status of Aluf Plastics in Orangeburg, New York.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company.

The response to the request in the attachment must be mailed to the following address:

Mr. Ronald Voelkel
Environmental Scientist
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency- Region 2

290 Broadway, 21st Floor
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 3501 et seq.

Failure to respond in full to this requirement is a violation of RCRA and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. Section 6928.

If you have any questions regarding this matter, contact Mr. Voelkel at (212) 637-1470 or at voelkel.ronald@epa.gov.

Sincerely yours,

Leonard Voo, Chief
RCRA Compliance Branch

Enclosures: Attachment I - Information Request
Attachment II - Instructions & Definitions
Attachment III - Certification of Answers

cc: Kelly Lewandowski, Chief
Site Control Section
New York State Department of Environmental Conservation

bcc: Derval Thomas, DECA-RCB
Ronald Voelkel, DECA-RCB

ATTACHMENT I

RCRA § 3007 Information Request

API Industries, Inc. dba Aluf Plastics

EPA I.D. No. NYD 886 941 102

On April 29, 2015, a duly authorized representative of the EPA conducted a RCRA Compliance Evaluation Inspection (CEI) of your facility located at 2 Glenshaw Street in Orangeburg, New York. It was observed that at least two potentially hazardous wastes may not have been properly identified as hazardous waste. In addition, it was observed that a fixed hose that ran from a trench located in the lower level/basement of your facility to an open window which could not be explained.

QUESTION 1

At the time of the inspection at least two 55 gallon filled drum containers, labeled as “ink/water” waste, were being stored on secondary containment in the basement level area of your facility. During closing discussions, it was explained that these containers contained solvents generated from the cleaning of ink jets used in your printing operations. The solvents used were demonstrated to be “Domino W-200”, the label of which indicated that it was “highly flammable”. In the same waste storage area, two other containers labeled as “corrosive” were observed. You stated that these containers actually contained pesticide waste, and that the containers were improperly labeled.

In order to verify that your facility is properly identifying and managing all its hazardous wastes, please provide the following information.

- a. Please provide a detailed narrative describing all printing operations at your facility, when each of these operations commenced, the procedures used for the cleaning of printing nozzles or jets, the specific chemicals used in the cleaning of printing nozzles or jets, and the types and quantities of wastes generated by these operations/processes.
- b. Provide all analytical results and/or documentation used in determining whether or not the solid waste generated as part of the printing operation described in Question 1(a), above, is or is not a hazardous waste as defined in 40 C.F.R. Part 261. If generator knowledge of the waste was used to determine that the solid waste was not a hazardous waste, please provide a narrative which details the knowledge employed in making such a determination. If MSDS data were used to make the hazardous waste/non-hazardous waste determinations, did that determination take into account that the materials used could be contaminated by other sources.

- c. Please provide copies of all documentation, including hazardous waste manifests, for the off-site shipment/disposal or treatment of wastes generated as a result of printing operations for the time period April 1, 2012 to April 1, 2015 (inclusive). If no such documentation is available, identify each entity's name, address, and telephone number that received such wastes from your facility, the specific waste that they received, the date(s) each such waste was shipped from your facility, and state the reason(s) for not maintaining such shipping documents at your facility.
- d. Please provide a narrative which describes the usage of pesticides and "corrosives" at your facility, including quantities of pesticides or corrosive wastes generated from any operations during the period April 1, 2012 to April 1, 2015 (inclusive), provide any analytical results and/or documentation used in determining whether or not any waste generated from the usage of pesticides or corrosives were or were not hazardous waste, and provide all documentation, including hazardous waste manifests, for the off-site shipment/disposal or treatment of these wastes for the same time period.

QUESTION 2

During the inspection, it was observed that a hose, one end of which had been placed in a grated drainage trench in the basement area, was installed so that it ran from the trench, and was affixed to structural beams so that it led to a window and outside of the facility. There was fluid in the trench where the hose entered the trench, and you were not able to state a reason for the placement and purpose of this hose.

- a. Please provide a narrative that describes the usage/operation of the grated drainage trench, including what fluids and the routine quantities of fluid that are allowed to flow into the trench, and what that types of residue or sediments may be contained in the fluid that flows into the trench.
- b. In your narrative in response to Question 2a, above, please include a statement that describes the purpose for the placement and operation of the hose that ran from the trench to the window, including when the hose was initially installed.
- c. Please provide all analytical results and/or documentation used in determining whether or not the fluids that are removed from the trench, through the hose or from using other method, were or were not hazardous waste.
- d. Please provide copies of any documentation for the treatment, disposal, or recycling of the fluid that may have been removed from the trench for the period April 1, 2012 to April 1, 2015, including copies of hazardous waste manifests, non-hazardous waste manifests, Bills of Lading, etc. If no such documentation is available, identify each the entity's name, address, and telephone number that received any fluid removed from the trench, the date any such fluid removed from the trench was shipped from your facility, and state the reason(s) for not maintaining such shipping documents at your facility.

- e. Please provide information that establishes whether or not there were or are any other hoses or pipes that lead from the interior of any structure at your facility to any outdoor areas of the facility, the purpose for these hoses or pipes, and whether or not waste is released as a result of the usage of these hoses or pipes.

QUESTION 3

At the time of the inspection, it was also observed that, in a separate room in the basement used to store “fresh oil”, the secondary containment for four 55-gallon drums was filled with a red liquid. You later commented that the filling of the secondary containment was caused by rain water, despite this storage area being indoors, and this comment did not account for the red color of the liquid that filled the secondary containment vessel.

- a. Please state the reason the secondary containment vessel was filled with liquid.
- b. Please provide a statement that explains the reason that the liquid that filled the secondary containment vessel was red in color.
- c. Please provide a narrative describing the manner in which the liquid in the secondary containment vessel is removed, and the manner in which it was handled and discharged or otherwise removed off-site from the facility, including any shipping documents.
- d. Please provide all analytical results and/or documentation used in determining whether or not the red fluid in the secondary containment vessel was or was not a hazardous waste.
- e. Please state the total above-ground storage capacity of used oil at your facility.
- f. If the stated total above ground capacity of used oil storage is greater than 1,320 gallons, please provide a copy of your facility’s Spill Prevention, Control and Countermeasure Plan (SPCC).

QUESTION 4

In the event that the solid wastes generated at your facility as a result of printing or any other operations were determined in your response to the above questions to be hazardous waste, please provide a copy of your facility’s Contingency Plan and of any cover letters used to provide copies of the Contingency Plan to local emergency responders, i.e. fire department, police department, hospitals. If these documents are not available, please indicate when they will be developed.

Instructions and Definitions

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the corresponding number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion or redaction.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is API Industries, Inc.dba Aluf Plastics located at 2 Glenshaw Street, Orangeburg, New York.
11. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5) and in 40 C.F.R., Section 261.3.

12. Manage shall be defined for the purposes of this Request for Information as a market, generate, treat, store, dispose or otherwise handle.
13. Standards applicable to transporters of hazardous waste shall be those as established in 40 C.F.R. Part 263.
14. Hazardous constituents is defined as those substances listed in 40 C.F.R. Part 261, Appendix VIII.

ATTACHMENT III

Certification of Answers to Responses to Request for Information

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE